

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANCIS P. LAGANELLA, :
Plaintiff : No. 1:16-cv-518
: :
v. : (Judge Kane)
: (Magistrate Judge Saporito)
CORPORAL TERRY WEALAND, :
Defendant : :

ORDER

Before the Court in the above-captioned case is the December 9, 2016 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 21.) No timely objections have been filed. **ACCORDINGLY**, on this 29th day of December 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT**:

1. The Court adopts the Report and Recommendation (Doc. No. 21), of Magistrate Judge Saporito;
2. Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 15), is **GRANTED**;
3. Plaintiff's complaint (Doc. No. 1), is **DISMISSED WITH PREJUDICE** as further leave to amend would be futile;
4. Plaintiff's motion to appoint counsel (Doc. No. 18), is **DENIED AS MOOT**; and
5. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania